**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928**

**WP(C).No. 4494 of 2007(I)**
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**PETITIONER:**
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**E.A. RASHEED, MANAGING PARTNER**
**STANDARD CLAY MINES, SASTHAVATTOM P.O.,**
**THIRUVANANTHAPURAM.**

**BY ADV. DR.K.P.SATHEESAN**

**RESPONDENTS:**
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**1. KERALA STATE POLLUTION CONTROL BOARD,**
**THIRUVANANTHAPURAM, REPRESENTED BY ITS**
**CHAIRMAN.**

**2. THE ENVIRONMENTAL ENGINEER,**
**KERALA STATE POLLUTION CONTROL BOARD,**
**DISTRICT OFFICE, PETTAH P.O.,**
**THIRUVANANTHAPURAM.**

**BY ADV. SRI. M.K.CHANDRAMOHAN DAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.BALAKRISHNAN NAIR,J.**

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WP(C)NO.4494 OF 2007-I

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Judgment

The petitioner is running a clay manufacturing and processing unit. It does not have the consent of the Pollution Control Board for operation. So, the Pollution Control Board issued Ext.P2 direction to stop its functioning. The petitioner filed Ext.P3 representation before the Pollution Control Board and thereafter, this Writ Petition is field, challenging Ext.P2. During the pendency of th Writ Petition, the petitioner submits, he has moved the Pollution Control Board for consent to operate the unit.

2. The industrial unit of the petitioner being a polluting unit. It can be operated only with the consent of the Pollution Control Board and therefore, there is nothing illegal with Ext.P2. The application submitted by the petitioner for consent shall be processed by the competent authority of the 1st respondent and appropriate decision shall be taken thereon in accordance with law without delay so that the petitioner can resume the operation of the industrial unit at the earliest. If there is any delay from the part of the 1st respondent to dispose of his application for consent, the petitioner will be free to move this Court again for appropriate orders.

The Writ Petition is disposed of as above.

23.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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